United Nations E/C.12/COL/Q/6

Economic and Social Council

Distr.: General
4 July 2017
English
Original: Spanish
English, French and Spanish only

Committee on Economic, Social and Cultural Rights

List of issues in relation to the sixth periodic report of Colombia*

I. General information

1. Please indicate to what extent the Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace, adopted on 30 November 2016, takes into account and provides for the realization of economic, social and cultural rights, in particular in relation to the persons and groups most affected by the armed conflict. In this regard, please indicate what steps are envisaged to ensure the participation of the most affected groups and communities in the implementation of these programmes.

2. Please provide information on the specific measures being taken by the State party to provide defenders of economic, social and cultural rights with effective protection from reprisals, including acts of violence, harassment, threats and attempts on their lives and attempts to inflict bodily harm, that they may face because of the work they do. Please report on the measures taken to strengthen the functioning of the National Protection Unit as a special mechanism for the protection of human rights defenders.

3. Please explain how the national public policy on business and human rights that is being developed by the State party will incorporate a legal and regulatory framework to ensure that corporations respect economic, social and cultural rights throughout their activities. In particular, please explain how compliance with the principle of due diligence will be ensured throughout their operations, especially in the extractive industries sector with respect to, for example, oil, mining and power generation projects, and in commercial operations involving the appropriation of land.

II. Issues relating to general provisions of the Covenant (arts. 1-5)

Right to freely dispose of natural wealth and resources (art. 1 (2))

4. Please provide detailed information on how the prior consultation procedure is implemented in practice in order to obtain free, prior and informed consent concerning any legislative or administrative measure that may affect the rights of indigenous and Afro-Colombian peoples, in particular their economic, social and cultural rights. Please provide information on the measures taken to ensure that the draft statutory act to regulate the right to consultation and to prior, free and informed consent complies with international standards and is the subject of proper consultation with indigenous peoples and Afro-Colombian communities.

* Adopted by the pre-sessional working group at its ninth session (27 February–3 March 2017).

GE.17-11157 (E) 190717 240717

Please recycle

Obligation to take steps to the maximum of available resources (art. 2 (1))

5. Please provide information on the budget allocation for social expenditure and its execution over the last five years, in particular in the areas of employment, social security, housing, health and education, indicating what percentage of the total national budget and of gross domestic product each budget line represents. Please indicate the material, technical and human resources allocated for the effective implementation of the National Development Plan 2014-2018.

6. In the light of the Committee's previous recommendation (see E/C.12/COL/CO/5, para. 14), please explain what steps have been taken to ensure that the recent structural tax reform contained in Act No. 1819 of 29 December 2016 is redistributive and helps to reduce inequalities.

7. Please provide information on the number of complaints of corruption filed over the past five years, the investigations conducted, the percentage of such complaints that resulted in convictions, and the protection provided to persons who report cases of corruption.

Non-discrimination (art. 2 (2))

8. In the light of the information provided in paragraph 21 of the State party's report, please provide information on the specific steps taken by the State party to adopt a comprehensive anti-discrimination policy that provides for the realization of the economic, social and cultural rights of all individuals without discrimination.

9. Please indicate how the National Development Plan 2014-2018 provides for the implementation of special measures to combat the structural discrimination that significantly affects indigenous and Afro-Colombian peoples.

Equal rights of men and women (art. 3)

10. Please provide information, including statistical data, on the impact of the implementation of the National Public Policy on Gender Equality, in particular its action plan for 2013-2016. Please explain how the State party will ensure the participation of women in the implementation of the Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace.

III. Issues relating to the specific provisions of the Covenant (arts. 6-15)

Right to work (art. 6)

11. Please provide updated statistics on unemployment and underemployment rates, disaggregated by age, sex, ethnic or national origin, educational level, income and urban/rural area of residence. Please furnish further information on the impact of the measures taken by the State party to promote employment among women, youth and persons with disabilities.

Right to just and favourable conditions of work (art. 7)

12. Please provide information on the measures taken by the State party to improve working conditions in rural areas, in particular in the agricultural sector, and to provide better job opportunities. Please report on the measures taken by the State party to prevent campesinos from being employed to help in the manual eradication of coca crops and on the reparation measures that have been implemented in cases where those workers or their families have been harmed by their participation in such work.

13. Please indicate whether the legal minimum wage currently in force in the State party is sufficient to ensure a decent living for workers and their families. Please also report on the measures taken to ensure that all workers, especially workers in rural areas, receive the minimum wage.

Trade union rights (art. 8)

14. Please provide information on how, in practice, the legislative and administrative measures that have been taken to ensure that workers are able to exercise freely their trade union rights. In the light of the Committee's previous recommendation (see E/C.12/COL/CO/5, para. 11), please provide information on measures to prevent all acts of violence, including assaults, threats and killings, against trade unionists, and, in particular, please indicate the number of protection schemes put in place for trade unionists by the National Protection Unit. Please report on the number of investigations that have been carried out in the last five years into cases of violence against trade unionists, the number of cases prosecuted and, as appropriate, the convictions handed down.

Right to social security (art. 9)

15. Please provide updated information on the steps taken to overcome the challenges facing the State party in the area of social security, in particular to extend social security coverage to everyone, including workers in the informal economy, homeless persons and self-employed workers.

Protection of the family, mothers and children (art. 10)

16. In the light of the Committee's previous recommendation (see E/C.12/COL/CO/5, para. 16), please provide information on the impact of the implementation of the policy on preventing the recruitment and use of children and adolescents by illegal armed groups. Please also provide detailed information on the measures taken to ensure the demobilization, reintegration and rehabilitation of child and adolescent victims of recruitment and on the human, material and technical resources allocated for the implementation of those measures.

Right to an adequate standard of living (art. 11)

17. Please explain how the programmes that make up the National Plan on the Elimination of Poverty have helped to address the disparities between urban and rural areas and please describe the impact of those measures on the most disadvantaged and marginalized groups. In this regard, please include information on the resources allocated for the implementation of such measures and indicate whether these resources have proved to be sufficient.

18. Please provide further information on the measures taken by the State party to move ahead with the restitution of land to victims of the armed conflict, including indigenous and Afro-Colombian peoples. Please also provide further information on the comprehensive rural reform, which is part of the Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace, and the land restitution measures envisaged.

19. Please report on the programmes in place to ensure the social and economic reintegration of Colombian refugees who have returned to the State party, in particular with regard to access to an adequate standard of living, to work and to education.

20. Please provide information on the specific steps taken by the State party to ensure that the victims of internal forced displacement have access to an adequate standard of living, including adequate housing, and to basic services such as water and sanitation, health care, education and social assistance.

21. Within the framework of the Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace, please report on the specific measures being taken by the State party to ensure that programmes for the voluntary substitution of illicit crops provide alternative forms of development for coca leaf growers. Please also report on the mechanisms established to ensure that the communities concerned participate in the preparation and implementation of those programmes. Please indicate whether the State party intends to take similar measures to address the problem of illegal mining.

22. Please provide information on the results of the implementation of the National Food Security and Nutrition Policy in ensuring the right to adequate food of the most disadvantaged and marginalized groups, in particular those living in rural and remote areas.

those affected by the internal conflict and those most vulnerable to the effects of climate change.

23. Please provide information on the results of the implementation of the policy on the provision of drinking water and basic sanitation in rural areas, mentioned in paragraph 155 of the State party's report, in particular in the Colombian Pacific area. Please also report on the measures taken to prevent the disproportionate use of water by mining activities and the resulting water pollution.

Right to physical and mental health (art. 12)

24. Please provide information, including specific data, on how the public health plan for 2012-2021, mentioned in paragraph 176 of the State party's report, has helped to promote the availability, accessibility, acceptability and quality of health-care services, in particular in rural and remote areas and for persons with low incomes. Please provide information on how the plan is helping to increase the number of health centres, improve conditions in existing health centres, facilitate access to medicines and increase the number of medical professionals.

25. Please provide information on the measures taken by the State party to ensure that women and girls, in particular victims of gender violence and sexual violence, and victims of forced displacement have effective and timely access to health services, including sexual and reproductive health services, and to psychological support services.

26. Please provide information on the specific measures taken by the State party to counter the adverse effects on the environment and health caused by the development of projects involving the exploitation of natural resources. In this connection, please provide information on any cases that have been investigated, prosecuted and, as appropriate, the convictions handed down.

27. Please report on the specific steps taken to determine what negative effects the use of glyphosate or of other harmful substances to combat the illicit cultivation of coca have on affected campesinos and communities and whether mechanisms of redress have been envisaged for those persons and communities.

Right to education (arts. 13 and 14)

28. Please report on the results of the measures taken to ensure that children from marginalized and disadvantaged groups, in particular indigenous and Afro-Colombian children and child victims of internal displacement, have access to preschool education and to free primary education. Please also report on the measures taken to eliminate the indirect costs of education, including the cost of school supplies, uniforms and food. Please describe the steps taken to improve school infrastructure.

29. Please provide information on the steps taken to improve the quality of both primary and secondary education, particularly in public schools and in rural and remote areas. Please provide information on the measures taken to increase the number of qualified teachers and to ensure that they are provided with adequate employment benefits and quality initial education and in-service training.

Cultural rights (art. 15)

30. Please provide information on the specific steps taken to foster awareness among the general public of cultural diversity and the protection of the cultural heritage of indigenous peoples and Afro-Colombian communities. Please also provide information on the measures taken, including intercultural education, to help ethnic groups preserve, develop, express and disseminate their identity, history, culture, languages, traditions and customs.

GE.17-11157